PATENT
Attorney Docket No. **MEADS-08913**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Roger W. Meads, *et al.* Group No.: 2859
Serial No.: 10/786,180 Examiner: G. K. Verbitsky
Filed: 02/25/2004
Entitled: **TEMPERATURE RECORDING SYSTEM**

Declaration of Dr. Roger Meads

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. . 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: _____ By: _____

I, Dr. Roger Meads, state as follows:

1. I am inventor of the above referenced application. I received my Doctorate In Veterinary Medicine from University of Minnesota in 1963 I have been a large animal veterinarian, specializing in dairy herd health management, for the past 43 years.

2. I have reviewed the above captioned patent application, of which I am an inventor, the Office Action mailed August 1, 2006, and the patents cited as prior art.

3. After review of the cited references, I conclude that the references do not teach the claimed systems and methods.

4. In particular, there is a fundamental difference between the claimed systems and methods and the systems described in the cited prior art. The claimed system and methods require two-way communication between the animal and a processor. In the claimed system, the temperature of the cow is transmitted to the processor. The processor analyzes the information and then transmits a message to an animal identification device located on the animal. The animal identification devices then displays a signal that facilitates identification of the animal. As

described in detail in the following paragraphs, the cited references are all limited to one way communication from the animal to a processor.

5. The Kennedy patent (5,203,345) provides that:

> Each radio transmitter is designed to emit a unique radio signal which indicates the cow identity and the vaginal temperature. These signals are emitted at five minute intervals and are received by a receiver/computer unit which makes the record of the cow identity, temperature and time of day that the signal is received. The temperature values are used to predict the occurrence of estrus in the cow. A rise in temperature of 0.3 to 0.8 degrees Celsius is usually found at estrus. When estrus is detected, the cow is inseminated by artificial insemination.

The communication in the Kennedy system is one-way. The Kennedy patent does not teach the use of a device located on the animal that receives messages from a processor and then displays a signal on the animal.

6. The Wallace patent (4,865,044) provides that:

> In connection with the present invention, an appropriate receiver can be used to receive the transmitted information indicating that a given animal has a fever. A standard radio receiver of any of a number of types now known and available built to receive signals at the frequency transmitted can be used. A specially designed decoder decodes the output signal of the standard receiver, determines if a valid transmission has occurred, and outputs valid transmissions as numbers on a display so that sick animals may be identified.

Again, the communication in the Wallace system is one-way. The temperature sensor transmits to a receiver, but there is no transmission back to the animal. The Wallace patent does not teach an identification device located on the animal that receives messages from a processor and then displays a signal on the animal.

7. The Examiner has also combined Kennedy and Wallace with the following patents, including Stafford (5,482,008), Han (6,835,553), and Hamel (6,622,567). Stafford describes a bolus that is swallowed by an animal and that can be used to electronically identify the animal.

Han describes a system for monitoring an analyte in a patient. Hamel describes an RFID system that is activated by a remote source of electromagnetic radiation. None of the references teach an animal identification device fixable to an animal that receives signals from a processor and displays a signal that facilitates identification of the animal within a herd.

8. As such, none of the five references cited by the Examiner describe the animal identification device described in the claims. Moreover, the cited references do not suggest developing or using such an animal identification device.

9. I further declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dr. Roger Meads

Date: 10/30/06